TRADE Filed: 11/28/00
Group Art Unit: 1635

EXPRESS MAIL CERTIFICATE

Date Label No.

I hereby certify that, on the date indicated above, this paper or fee was deposited with the U.S. Postal Service & that it was addressed for delivery to the Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 by "Express Mail Post Office to Addressee" service.

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Customer No.: **07278**

Docket No.: 04040/1200990-US7

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: John C. REED

and approximation of the term of the second

Serial No.: 09/724,425

Art Unit:

1635

Confirmation No.:

7441

Examiner:

Jane J. Zara

Filed:

November 28, 2000

For:

REGULATION OF BCL-2 GENE EXPRESSION

TERMINAL DISCLAIMER
TO OBVIATE A DOUBLE PATENTING REJECTION

Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450

Sir:

The undersigned is an attorney of record in the above-identified patent application and THE UNIVERSITY OF PENNSYLVANIA, located at 3700 Market Street, Ste. 200,

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Docket No.: 04040/1200990-US7

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Serial No.: 09/724,425 Filed: 11/28/00

Group Art Unit: 1635

Philadelphia, PA 19104, is the owner of the entire right, title, and interest in the above-identified patent application by assignment from the inventors.

The assignment document is dated October 28, 1993 and was recorded by the U.S. Patent and Trademark Office on November 9, 1993, at Reel 6835, Frame 0295 (copy attached as Exhibit 1).

THE UNIVERSITY OF PENNSYLVANIA hereby disclaims, except as provided below, the terminal part of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term of commonly owned U.S. Patent No. 6,040,181 (assignment recorded by the U.S. Patent and Trademark Office on November 9, 1993, at Reel 6835, Frame 0295; same as above) and hereby agrees that the granted patent shall be enforceable only during such period that the legal title to said granted patent shall be the same as the legal title to any U.S. Patent granted on the above-identified patent application. This agreement shall run with any patent granted on the above-identified application and be binding upon the grantee, its successors and assigns.

The statutory fee of \$55.00 for a disclaimer is enclosed.

THE UNIVERSITY OF PENNSYLVANIA does not disclaim any terminal part of any patent granted on the above-identified U.S. patent application prior to the expiration date of the full statutory term of U.S. Patent No. 6,040,181, in the event that U.S. Patent No. 6,040,181 later:

- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321(a), or

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PE CONTROL OF TRACE Filed: 11/28/00
Group Art Unit: 1635

has all claims canceled by a reexamination certificate.

Respectfully submitted,

Dated: March 18, 2004

S. Peter Ludwi⁄g Reg. No. 25,351

Attorney for Applicant(s)

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